

STATE OF WASHINGTON



OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

Melissa V. Gudde,

Licensee.

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No. D 03 - 290

ORDER REVOKING LICENSE

To: Melissa V. Gudde
1301 Woodstock Way #203E
Bellingham, WA 98226

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your license is REVOKED, effective January 15, 2004, pursuant to RCW 48.17.530 and 48.17.540(2).

THIS ORDER IS BASED ON THE FOLLOWING:

1. A complaint was filed against Melissa V. Gudde (licensee) by Jeremy Johnson (Johnson). As a part of his investigation, Examiner Ken Combs (Combs) from the Office of the Insurance Commissioner (OIC) conducted a field audit of the Oltman Insurance & Financial Services (Oltman) records. During the audit Combs confirmed that on or about May 23, 2003, Johnson visited the Oltman office to secure a new auto insurance policy. Johnson gave the licensee a \$150.00 check made out to Unigard and \$50.00 cash. This payment was to start the policy May 23, 2003 and Johnson would have \$200.00 monthly automatically drawn from his checking account. When the money was not withdrawn in June 2003, Johnson contacted the licensee. The licensee had Johnson write another \$200.00 check. When Johnson finally received his policy from Unigard, he discovered that the effective date was July 23, 2003 not May 23, 2003 as requested. He cancelled his policy and found that only one of the \$200.00 payments had been applied to his policy.

2. The licensee held Johnson's first check for \$150.00 until July 23, 2003. She changed the payee to Progressive and initialed the payee line of the check with the initials "JJ" to show the Jeremy Johnson had changed the payee line of the check. On Oltman's daily journal the licensee listed the \$150.00 as having been paid by Jeff Busser. The licensee had made Mr. Busser's insurance payment of \$150.00 using Johnson's check. It was later discovered that Jeff Busser was the licensee's friend. The licensee also did not account for the \$50 cash payment received from Johnson.

a.) By not remitting the premium collected from Johnson the licensee violated RCW 48.17.480 (2) and RCW 48.30.190 (1).

b.) The licensee's failure to account for and maintain the premiums collected in a separate account violated RCW 48.17.600.

c.) When the licensee purported to write a policy for Johnson, but failed to so, she violated RCW 48.30.040.

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3. Combs sent the licensee written inquiries on September 24 and October 15, 2003. These inquiries related to the business of insurance. The licensee did not respond to any of them. Each such failure to respond promptly in writing violated RCW 48.17.475.

4. Combs' letter of September 24, 2003 to the licensee was returned marked, "moved left no address". This letter was mailed to the licensee's address shown on the OIC licensing record. Such failure to notify the commissioner of a change of residential address is a violation of RCW 48.17.450 (2).

By reason of your conduct, you have shown yourself to be and are so deemed by the commissioner, untrustworthy and a source of injury and loss to the public and not qualified to be an insurance agent in the State of Washington. Accordingly, your license is revoked pursuant to RCW 48.17.530 (1) (b), (d), (e), and (h).

IT IS FURTHER ORDERED that you return your insurance agent's license certificate to the Commissioner on or before the effective date of the revocation of your license, as required by RCW 48.17.530(4).

NOTICE CONCERNING YOUR RIGHT TO A HEARING. Please note that a detailed summary of your right to contest this Order is attached. Briefly, if you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. If your demand for a hearing is received by the Commissioner before the effective date of the revocation, then the revocation will be stayed (postponed) pending the hearing, pursuant to RCW 48.04.020. Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.

Please send any demand for hearing to Insurance Commissioner, attention Scott Jarvis, Deputy Insurance Commissioner, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257.

ENTERED AT TUMWATER, WASHINGTON, this 26th day of December, 2003.

MIKE KREIDLER
Insurance Commissioner

By

SCOTT JARVIS
Deputy Commissioner

Cc: Ken Combs, Investigator